

**Meeting Minutes for Fast Track Workgroup
November 24, 2003, 9:00 to 11:30 AM
IGCN, Conference Room D**

Attendance:

Bill Beranek (IEI), Bowden Quinn (WPCB), Neil Parke (Eli Lilly), John Chavez (City of Indianapolis), Tim Blagsvedt (Indianapolis Clean Stream Team), and Joe Watson (City of Indianapolis).

Art Umble (City of Elkhart) joined by way of conference call.

IDEM representatives: Mary Ellen Gray, John Elliott, Dave Kallander, Lonnie Brumfield, Bill Harkins, and MaryAnn Stevens.

Purpose of Workgroup

The purpose of this workgroup is to review the list of expedited rulemaking issues that the Triennial stakeholder workgroup identified and come to closure on the process for an expedited rulemaking. This list was identified by the Triennial stakeholder group to include changes based on best science, updates of existing rule language, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

Minutes

The workgroup members reviewed the minutes of the October 28, 2003 workgroup meeting. Mary Ellen Gray announced that IDEM would accept comments on the minutes through December 5, 2003, make changes accordingly, and then place the minutes on the Fast Track web site.

First Notice

The first notice was published in the Indiana Register on June 1, 2003, and the comment period ended July 30, 2003. Five comment letters were received during the comment period. Comments will be summarized and responses will be provided by IDEM staff. The "Response to Comments" document will be published in the Indiana Register with the draft rule at second notice.

Discussion of the draft rule

John Elliott completed a revised draft on November 21, 2003, of the rulemaking intended for publication of second notice of comment period in the Indiana Register. The revised draft was presented to the workgroup at this meeting, and since there had been no opportunity for review of the draft prior to this meeting, Mary Ellen Gray indicated that IDEM would accept comments on the draft rule language until December 3, 2003.

Discussion at this meeting included the following rule parts that had changed since the previous draft rule document dated August 13, 2003:

1. 327 IAC 2-1-6: Narrative criteria for downstate Whole Effluent Toxicity (WET) have not been included in the draft rule but will be considered in a future rulemaking. (See page 4 of the 11-21-03 draft document)

2. 327 IAC 2-1-6(a)(2): Removal of “and/or” and replaced by “or” met with some group discussion but ended in consensus that “or” is the correct choice. (See page 5 of the 11-21-03 draft document)
3. In Table 6-1, the AAC and CAC for the various metals indicated by the # sign have been moved to Table 6-2. (See page 6 of the 11-21-03 draft document)
4. Neil Parke questioned the interim value of 1000, in replacement of the existing 250 mg/l, that IDEM has included in Table 6-1 for sulfates. Neil referred to new EPA studies that indicate limits of 1500 to 2000 mg/l sulfates outside the mixing zone are protective of water quality.
5. In Table 6-3, a footnote will be added to describe that the numbers are rounded to two significant digits and that the equations in Table 6-2 should be used if the criteria are used as intermediate values in a calculation. A similar footnote will be included in the corresponding table in the Great Lakes rule. (See Table 8-2 in 327 IAC 2-1.5-8)
6. 327 IAC 2-1-6(b): the decision concerning where to measure temperature for compliance will be made as part of a future rulemaking.
7. 327 IAC 2-1-6(e): changes have been made concerning public water supply and dissolved solids criteria.
8. 327 IAC 2-1-6(j): remove this subsection but does reference to the Lost River need to be included elsewhere in the rules?
9. 327 IAC 2-1-8.1(b): the new language needs to be rewritten.
10. 327 IAC 2-1-8.2 and 327 IAC 2-1-8.3: removed site-specific criterion for WET. Bill Beranek thinks a connection to 327 IAC 2-1-8.9 needs to be included.
11. 327 IAC 2-1-8.9: This new section contains language similar to existing language in the Great Lakes rule. There is unfinished language that will be identified with placeholder language.
12. 327 IAC 2-1.5-8: Add a footnote after Table 8-2 about rounding the numbers in the table to two significant figures.
13. 327 IAC 2-1.5-8(f): Add similar language as added to 327 IAC 2-1-6(e) concerning public water supply and dissolved solids criteria.
14. The question was raised as to whether IDEM has the authority apart from the Water Pollution Control Board-rulemaking process to develop site-specific criteria. Staff believes it has the authority if the Indiana Attorney General agrees that IDEM has the authority to develop the site-specifics. However, further discussions with staff and with EPA need to be had on this issue. IDEM intends to include in the rule the site-specifics that have already been approved and to update them as they would be calculated now.
15. Concerning analytical methods for free cyanide, Neil Parke had said Method 1677 was for free cyanide, but John Elliott said he doubts EPA will approve a method for free cyanide under 40 CFR 136. John Chavez wanted to know if a permit-by-rule option could be made available rather than requiring a permit modification to include the free cyanide requirement in a permit.
16. 327 IAC 5-2-11.2: Bowden Quinn wants to preserve the public notice requirement for site-specific modifications because people of a community are interested to know if their local stretch of water is treated differently than the requirements of

- the rule. He thinks such public notice requirements are not unreasonable because there are not many site-specific criterion approval requests.
17. 327 IAC 5-2-11.5(b)(1)(D): Bill Beranek asked about the meaning of “outside the mixing zone” language in this new clause.
 18. 327 IAC 5-2-11.5(h): Changes are to be made to the table of reasonable potential multiplying factors.
 19. 327 IAC 5-2-11.6(d): John Elliott has included commissioner discretion in this modified subsection concerning WQBELs for WET.

Follow up issues

Bill Beranek suggested a public meeting be held during the second comment period. A presentation about the status of the Fast Track rulemaking needs to be made to the January water board meeting.

Future Meeting Dates

The next meeting is scheduled for February 10, 2004, from 1:30 to 3:30 P.M. in Conference Room D on the twelfth floor of the Indiana Government Center North building.

Next Meeting issues

- The idea was raised to use the February 2004 meeting date to discuss the second notice comment letters.